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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,088	03/31/2004	H. Ulrich Stauber	FRR-15424	7349
40854	7590	05/18/2006	EXAMINER	
RANKIN, HILL, PORTER & CLARK LLP 4080 ERIE STREET WILLOUGHBY, OH 44094-7836			JOERGER, KAITLIN S	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/815,088	STAUBER, H. ULRICH	
	Examiner	Art Unit	
	Kaitlin S. Joerger	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/23/04 3/31/04</u>   | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must be claimed in the alternative. See MPEP § 608.01(n).

Accordingly, the claim has not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "on its end directed toward" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The claim is dependent on claim 1, and such an end was not defined in claim 1, therefore there is lack of antecedent basis in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-6, 8, 9, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Brame et al. (US Patent 5,249,790).

Regarding independent claim 1, Brame et al. teaches a device for establishing an imbricated stream of flat articles, from a supplied imbricated stream, the device comprising:

- a conveying surface, 3, for driving the articles in a conveying direction;
- a stopping means, 13, face towards the conveying surface and defining a passage gap between it and the conveying surface;
- a dancing roller, 17, freely rotated and arranged downstream of the stopping means;
- the roller and stopping means are coupled to be movable together towards and away from the conveying surface, see figures 1 and 4;

Regarding claim 2, the stopping means and dancing roller are spring mounted, by spring 19, on a support, 7, in a manner to be movable in a limited manner.

Regarding claim 3, the dancing roller and stopping means are arranged on a frame, 5, the frame being movable relative to support, 5, and the roller and stopping means are rigidly coupled to the frame.

Regarding claims 4, 5, and 6, a height offset between the dancing roller and the stopping means is adjustable, see the height difference between figures 1 and 4; the dancing roller is arranged on a supporting arm, 16, which is arranged on the frame, 5, in a pivoting manner and wherein the pivoting position of the support arm relative to the frame is adjustable, the arm pivots to different position, see figure 1 and 4.

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Regarding claims 8 and 9, the distance between the roller and the conveying surface is adjustable by adjusting the connection between the frame, 5, and the support, 7, see column 4, line 45 through column 5, line 22.

Regarding claim 13, the conveyance surface, 3, is bent around a bending axis oriented parallel to the conveying direction, and the device comprises bending rollers, not numbered, being aligned with lateral areas of the articles being conveyed, see figure 1, the bending rollers being the rollers that the conveyor is bent around.

Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Morisod (US Patent 4,713,831).

Regarding independent claim 1, Morisod. teaches a device for establishing an imbricated stream of flat articles, from a supplied imbricated stream, the device comprising:

- a conveying surface, 11, for driving the articles in a conveying direction;
- a stopping means, 15, face towards the conveying surface and defining a passage gap between it and the conveying surface;
- a dancing roller, 31, freely rotated and arranged downstream of the stopping means;
- the roller and stopping means are coupled to be movable together towards and away from the conveying surface, see figure 1 and arrow 100, which indicates a moving direction of the stopping means and roller device;

Regarding claim 14, the stopping means, 15, comprises first and second surface section, 15 and 15a, facing upstream, the sections are essentially plane and extend transverse to the conveying direction, the first surface section 15, is situated further from the conveying surface

than the second, and form an angle of 75 to 80 degrees with the conveying surface and the second surface forms an angle of 45 to 60 degrees with the conveying surface, see figure 1

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brame et al. (5,249, 790) in view of Stock (5,288,067)

Brame et al. teaches all of the features of the claimed invention except for a conveying surface with openings and a suction box connected with the opening upstream of the stopping means. He teaches that the distance between the dancing roller and the upstream conveyor 2, is adjustable by displacing the support, 7, parallel to the conveying direction, see figure 1 and 4, as claimed in claims 11 and 12. He does not, however, teach a suction device.

Stock teaches a conveying device for imbricated sheets that comprises a conveyor with openings, 16, and a suction box, 13, in connection with those openings. It would have been obvious to combine the suction box and openings taught by Stock with the device taught by Brame et al. and make the upstream conveyor, 2, of Brame et al. a suction conveyor in order to keep the stream of sheets from sliding or otherwise moving out of arrangement on the conveyor belt system as the sheet comes into contact with the stopping means.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brame et al. (US Patent 5,249,790) in view of Hannon (US Patent 4,911,921).

Brame et al. teaches all of the features of the claimed invention including a braking tongue, 13a. However, Brame et al. does not teach that the braking tongue is made of flexible material. Hannon teaches a device for establishing an imbricated stream of flat articles that includes a flexible braking tongue, 296. It would have been obvious to fashion the braking tongue of Brame et al. from flexible material, as taught by Hannon, in order to ensure that the sheets do not get caught on the braking tongue and that they are properly conveyed further downstream.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S. Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

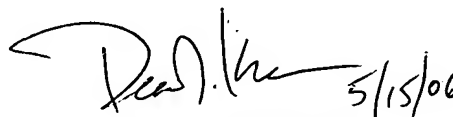
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksj

9 May 2006

  
**DEAN J. KRAMER**  
**PRIMARY EXAMINER**